

PROB 12B  
(Rev. 09/03)

## UNITED STATES DISTRICT COURT

for

DISTRICT OF OREGON

**PETITION AND ORDER  
FOR MODIFICATION OF  
CONDITIONS OF  
SUPERVISED RELEASE**

U.S.A. vs. JEFFREY JOHN CHURCH

Docket No. CR 03-430-01-KI

## Petition on Probation and Supervised Release

FILED 06 FEB 24 11:25 USDC-ORP

COMES NOW JOHN SIEBENALER, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Jeffrey John Church, who was placed on supervision by The Honorable Garr M. King sitting in the court at Portland, Oregon, on the 15th day of November, 2004, who fixed the period of supervision at three years,\* and imposed the general terms and conditions theretofore adopted by the court.

\*Term of supervised release commenced on January 27, 2006.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

(If short insert here; if lengthy write on separate sheet and attach)

The defendant has a history of substance abuse. Drug testing is the most reliable method for monitoring the defendant's substance abuse.

The Ninth Circuit Court of Appeals' finding in *Stephens* limits the probation officer to three random substance abuse tests outside of a treatment program, pursuant to 18 USC § 3583(d). The defendant's history warrants continuing substance abuse monitoring.

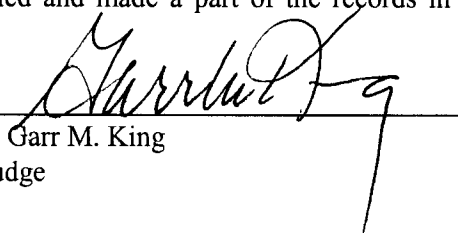
The defendant has agreed to the proposed modification and waived the personal appearance before the Court.

**PRAYING THAT THE COURT WILL ORDER** upon consideration of factors set forth in 18 USC § 3553(a), that the defendant's conditions of supervised release be modified to include the following added special condition(s):

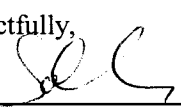
The defendant shall participate in a substance abuse treatment program as directed by the probation officer which may include urinalysis testing to determine if the defendant has used drugs or alcohol. In addition to urinalysis testing that may be part of a formal drug treatment program, the defendant shall submit up to eight (8) urinalysis tests per month.

## ORDER OF THE COURT

Considered and ordered this 23 day of February, 2006, and ordered filed and made a part of the records in the above case.

  
The Honorable Garr M. King  
U.S. District Judge

Respectfully,

  
John Siebenaler  
Senior U.S. Probation Officer

Place: Portland, Oregon

Date: February 23, 2006

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON—PROBATION OFFICE**

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**WAIVER OF HEARING TO MODIFY CONDITIONS  
OF PROBATION/SUPERVISED RELEASE**

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I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release.

**The defendant shall participate in a substance treatment program as directed by the probation officer which may include urinalysis testing to determine if the defendant has used drugs or alcohol. In addition to urinalysis testing that may be part of a formal drug treatment program, the defendant shall submit up to eight (8) urinalysis tests per months.**

Witness: \_\_\_\_\_

U.S. Probation Officer

Signed: \_\_\_\_\_

Probationer or Supervised Releasee

Date: \_\_\_\_\_

1/31/06